

**SUMMARY OF PROPOSED FD2:**

**Bill 59 (2016), CD2, FD1  
RELATING TO THE USE OF BAGS PROVIDED TO CUSTOMERS.**

The **PROPOSED FD2** makes the following amendments to the FD1 version to which the bill was amended at the May 10, 2017 Council meeting.

- A. Amends the proposed amendment to the definition of "Plastic checkout bag" in ROH Sec. 9-1.1 by retaining the provision in the current definition that such a bag is "not specifically designed and manufactured for multiple re-use."
- B. Amends the definition of "Reuseable bag" in ROH Sec. 9-1.1 by adding, "After January 1, 2020, plastic bags shall no longer be considered to be 'reusable bags.'"
- C. Amends the proposed amendment to ROH Section 9-9.2 by retaining the provision in the current ordinance that businesses may provide, with or without charge, non-recyclable paper bags to protect or transport prepared foods, beverages, or bakery goods.
- D. Deletes proposed new ROH Section 9-9.2(b) relating to the City Auditor's report.
- E. Deletes SECTION 5 of the bill relating to proposed amendments to ROH Section 9-9.3 ("Penalties and injunctive relief").
- F. Changes the effective date to July 1, 2018, from January 1, 2018.
- G. Makes miscellaneous technical and nonsubstantive amendments.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL **59 (2016), CD2, FD2**

Proposed

---

**A BILL FOR AN ORDINANCE**

---

RELATING TO THE USE OF BAGS PROVIDED TO CUSTOMERS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose and Findings. The purpose of this ordinance is to regulate the use of bags provided to customers.

The Council finds that to protect health, life and property and preserve the order and security of the City and its inhabitants, and, in furtherance of the findings and determinations set forth in Revised Ordinances of Honolulu 1990 Section 9-1.1, relating to the collection and disposal of refuse, this ordinance is intended to reduce the volume of plastic and non-recyclable paper bags that are disposed of as solid waste.

SECTION 2. Section 9-9.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by deleting the definition of "compostable plastic bag" as follows:

~~["Compostable plastic bag" means a checkout bag that is provided to a customer for the purpose of transporting groceries or other retail goods, that meets current ASTM D6400 Standard Specifications for compostability and that is labeled:~~

- ~~(1) With the Biodegradable Product Institute ("BPI") logo as meeting the ASTM standard for compostability; and~~
- ~~(2) With "Compostable" on both sides of the bag in either green color lettering that is at least one inch in height, or as otherwise specified; or within a green color band that is at least one inch in height in order to be readily and easily identifiable."]~~

SECTION 3. Section 9-9.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by amending the definitions of "plastic checkout bag" and "reusable bag" to read as follows:

""Plastic checkout bag":

- (1) Means a carryout bag that is provided by a business to a customer for the purpose of transporting groceries or other retail goods, and is made from ~~[non-compostable]~~ plastic and not specifically designed and manufactured for multiple re-use;



---

## A BILL FOR AN ORDINANCE

---

- (2) This term does not include:
- (A) Bags used by customers inside a business to package loose items, such as fruits, vegetables, nuts, ground coffee, grains, candies, or small hardware items;
  - (B) Bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, or other items to contain dampness;
  - (C) Bags used to protect or transport prepared foods, beverages, or bakery goods;
  - (D) Bags provided by pharmacists to contain prescription medications;
  - (E) Newspaper bags for home newspaper delivery;
  - (F) Door-hanger bags;
  - (G) Laundry, dry cleaning, or garment bags, including bags provided by hotels to guests to contain wet or dirty clothing;
  - (H) Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;
  - (I) Bags used to contain live animals, such as fish or insects sold in pet stores; or
  - (J) Bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level; provided that this exemption shall be limited to one bag per customer]; ~~or~~
  - ~~(K) — Compostable plastic bags]."~~

"Reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and is made of: (1) cloth or other washable fabric; or (2) durable material suitable for reuse, including plastic that is at least 2.25 mils thick. After January 1, 2020, plastic bags shall no longer be considered to be "reusable bags."



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL 59 (2016), CD2, FD2

---

**A BILL FOR AN ORDINANCE**

---

SECTION 4. Section 9-9.2, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 9-9.2 Ban on plastic checkout bags and non-recyclable paper bags.**

Businesses shall be prohibited from providing plastic checkout bags and non-recyclable paper bags to their customers at the point of sale for the purpose of transporting groceries or other merchandise. ~~[Nothing in this article shall preclude a business from making available to customers, with or without charge,]~~ Businesses shall charge a minimum of 10 cents per bag when offering, at the point of sale[-1)], reusable bags[-, compostable plastic bags,] or recyclable paper bags for the purpose of transporting groceries or other merchandise[-or 2)]. Nothing in this article shall be interpreted as prohibiting businesses from providing non-recyclable paper bags, with or without charge, to protect or transport prepared foods, beverages, or bakery goods."

SECTION 5. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL 59 (2016), CD2, FD2

---

**A BILL FOR AN ORDINANCE**

---

SECTION 6. This ordinance takes effect on July 1, 2018.

INTRODUCED BY:

Brandon Elefante

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE OF INTRODUCTION:

September 28, 2016  
Honolulu, Hawaii

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
KIRK CALDWELL, Mayor  
City and County of Honolulu